

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JEREMY LYNN WILLIS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-0489-HE
)	
BRAD HAMILTON, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER


Plaintiff Jeremy Lynn Willis, a prisoner appearing *pro se*, filed this action under 42 U.S.C. § 1983 alleging violations of various constitutional rights. The matter was referred to Magistrate Judge Shon T. Erwin for preliminary proceedings consistent with 28 U.S.C. § 636(b)(1)(B). Judge Erwin issued an order [Doc. #5] directing plaintiff to cure deficiencies in his complaint and in his motion to proceed *in forma pauperis*. Plaintiff has not cured his deficient filings, nor has he responded to the court in any way since the filing of initial his complaint and motion. Based on plaintiff's failure to comply with court orders, Judge Erwin recommended that plaintiff's motion to appear *in forma pauperis* be denied, and that his complaint be dismissed *sua sponte* without prejudice. See Nasious v. Two Unknown B.I.C.E. Agents at Arapahoe County Justice Center, 492 F.3d 1158, 1161-62 (10th Cir. 2007).

Plaintiff failed to object to the Report and Recommendation and thus waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); see 28 U.S.C. § 636(b)(1)(C);

LCvR72.1. Accordingly, the court adopts Magistrate Judge Erwin's Report and Recommendation [Doc. # 6]. Petitioner's motion for leave to proceed *in forma pauperis* [Doc. #2] is **DENIED**. The complaint [Doc. #1] is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated this 19th day of November, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE